



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 17, 2006

The Honorable David P. Currier, Chair
Resources, Recreation, and Development Committee
Room 305, Legislative Office Building
Concord, NH 03301

RE: HB 1315, relative to the definition and classification of dams

Dear Chairman Currier:

Thank you for the opportunity to testify in support of HB 1315, which clarifies the definition and hazard classifications of a dam and exempts certain stormwater detention ponds from being regulated as dams.

The hazard classification of a dam is determined based on the amount of property damage or likelihood of loss of life downstream if the dam were to fail. Under current statutes, a dam is classified as a Class C Dam if its failure would likely cause loss of life downstream. These are considered "high hazard potential" dams. Similarly, a dam is classified as a Class B dam and is considered a "significant hazard potential" if its failure would cause significant property damage downstream; and a dam is classified as a Class A dam and is considered a "low hazard potential" if its failure would cause minor property damage downstream. Under the bill, these alphabetic designations would be eliminated and replaced with the clearer and more meaningful designation of Low, Significant and High Hazard Potential, which will make the hazard classification of dams in the state more easily understood by the public as well as more consistent with the national dam safety community.

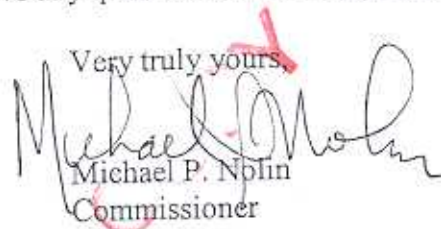
The bill will also exempt, from New Hampshire's dam safety program, small storm water detention ponds, which do not normally impound water. These structures are already regulated by the Department of Environmental Services (DES) under the Site Specific Program, and the exemption provided under the bill will eliminate unnecessary regulatory duplication and allow the Dam Bureau to focus its resources more appropriately on dams that could cause a threat to public health, safety, or the environment.

Lastly, the bill adds impoundments, which contain septage or liquid agricultural waste, to the definition of a dam, regardless of the size of the impoundment. DES has discussed the environmental aspects of agricultural impoundments with various farm interests in the state including the New Hampshire Farm Bureau Federation, the University of New Hampshire Cooperative Extension, and the Department of Agriculture, Markets, and Foods. Based on these discussions, DES recommends that the bill be amended so that impoundments of liquid agricultural waste be considered dams only if they have a height of four feet or more or store two

The Honorable David P. Currier, Chair
January 17, 2006
Page 2

or more acre-feet of liquid industrial waste. With this change, the bill would avoid the regulation of agricultural impoundments that would be too small to pose a threat to public health, safety or the environment.

Thank you for this opportunity to comment on this bill. Please call either me at 271-3449, or Jim Gallagher at 271-1961, if you have any questions or need additional information.

Very truly yours,

Michael P. Nolin
Commissioner

Attachment

cc: Representative Richard T. Cooney
Representative Michael D. Whalley
Representative Henry A. L. Parkhurst
Senator Carl R. Johnson
Senator John S. Barnes, Jr.
Senator John T. Gallus